

Via Electronic Filing

March 19, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: NOW Licenses LLC
CC Docket No. 94-102
TTY Implementation Report

Dear Ms. Dortch:

NOW Licenses, LLC ("NOW") hereby provides an update on the status of its TTY deployment. This report provides the information called for in the quarterly TTY reports that were required from some carriers to enable the Commission to monitor progress toward the implementation of digital TTY solutions.¹

Background

NOW filed its Request for Temporary Waiver of Section 20.18(c) of the Commission's rules (the "TTY Request") on June 25, 2002. That request sought a temporary extension of the TTY compliance deadline

¹ In the Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Report and Order*, 15 FCC Rcd. 25216 at ¶ 15 (2000), the Commission required digital service providers to file quarterly reports containing updates on the status of digital TTY implementation through the implementation deadline of June 30, 2002. This quarterly reporting requirement was formally extended for the carriers who were granted waivers of the June 30, 2002 deadline. *See Order*, 17 FCC Rcd. 12084 at ¶ 24 (2002). As is described in greater detail within, NOW's waiver request is still pending and, as a consequence, NOW has not been ordered to file quarterly reports. Nevertheless, NOW is providing this update so that the Commission will have available to it the information that otherwise would have been included in quarterly reports.

WDC:268799.1

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until June 30, 2004. Subsequently, on December 23, 2003, NOW supplemented and amended the pending TTY Request to seek a further extension of the compliance deadline to a date seven months after the date on which the FCC acts on its pending application to assign the NOW licenses to Dobson Cellular Systems, Inc. (File No.0001555982). The TTY Request, as supplemented on December 23, 2003, remains pending before the Commission.² This report provides an update on the status of NOW's TTY implementation efforts.

Development Activities

Network Infrastructure Development - NOW operates a Global System for Mobile Communications ("GSM") network utilizing switching equipment manufactured by Nortel Networks ("Nortel"). Consequently, NOW has relied upon Nortel's software and hardware development and testing in its effort to meet the FCC's TTY milestone objectives.

As the Commission is aware based upon information provided by the TTY Forum³ and the equipment manufactures,⁴ the TTY solution path for GSM lagged behind those for some of the other air interference technologies. The lag was particularly acute for smaller carriers operating in rural areas because, as the FCC has explicitly recognized, "equipment vendors typically give priority to the larger, nationwide carriers, making it difficult for smaller carriers to obtain, install and test the system upgrades that are needed to provide TTY capability."⁵ In NOW's case, the priority

² No petitions to deny the application have been filed, and based upon informal conversations with the application processing staff, the application is progressing.

³ See, e.g., TTY Forum's Aggregate Report of Carrier's for 3rd Quarter 2002 in CC Docket No. 94-102 filed October 15, 2002.

⁴ See, e.g., Reply Comments of Nortel Networks Corporation in CC Docket No. 94-102, filed July 19, 2000.

⁵ Order, 17 FCC Rcd. 12084 at ¶ 17 (WTB 2002).

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problem was exacerbated by unexpected difficulties that were experienced in the course of various software upgrades. NOW's initial plan when it filed its TTY Request in June, 2002, was to migrate from GSM10 software to GSM13 software which NOW understood at the time was capable of supporting TTY devices with digital wireless service. However, due to financial constraints that NOW was experiencing,⁶ NOW was forced in late 2002 and early 2003 to temporarily postpone the planned upgrade. Notwithstanding its continued financial difficulties, NOW resumed planning in connection with the proposed upgrade to GSM13 in the second quarter of 2003. Through conversations with Nortel and other wireless carriers, NOW learned during the second or third quarter of 2003 that the GSM13 software load was no longer being offered by Nortel. As a consequence, NOW was forced to consider a much more substantial and costly upgrade to GSM15 software. NOW was advised that the upgrade would cost an additional \$1,000,000 – for the new software and for the hardware upgrades (e.g., additional memory cards and an upgraded CPU package) that NOW was advised were required to run GSM15. This is in stark contrast to the \$100,000 to \$200,000 that NOW would have had to pay to upgrade to GSM13 software, if that upgrade were still available.

As is set forth in detail in NOW's December 23, 2003 TTY Waiver Supplement, there was no compelling reason for NOW to undertake this upgrade because of the pending sale to Dobson. As the Commission is aware, Dobson already has notified the Commission that it has fully implemented TTY compatibility in markets where it is utilizing Nortel switching equipment. And, in the context of the NOW/Dobson assignment, Dobson has confirmed to the Commission that it plans to

⁶ NOW has filed with the Commission, on a confidential basis, its audited financial statement for the periods ended December 31, 2001 and December 31, 2002, which reflect an extremely heavy debt load in relation to very limited revenues. See, Supplement to Petition for Extension of Time to Comply with the Assistance Capability Requirements of Section 103 of CALEA, filed February 12, 2004.

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upgrade the NOW Nortel switch promptly following consummation such that the subject systems will be TTY compliant within seven months after the Commission's action on the NOW/Dobson assignment application.

Handset Development and Testing - Nortel does not manufacture handsets and so NOW was relying upon the handset development and testing plans of various handset manufactures in order to meet TTY requirements. Motorola, Nokia and Ericsson all were contacted by NOW based upon information made available through the TTY Forum that they all had or were working on TTY-capable handsets using the GSM platform. However, the ability of NOW to test handsets was adversely affected by the unexpected delay in NOW's switch upgrades, as discussed above. At present, NOW is planning on meeting the TTY requirement through its sale to Dobson. Dobson has relied upon its handset vendors (Panasonic, Motorola, Nokia and Ericsson) for the development and testing of TTY-capable handsets. As was reported to the Commission by Dobson on October 31, 2002, it is now fully TTY compliant.⁷

Beta Testing and Lab Testing - NOW does not have a lab for testing. Field testing must await the upgrade of the Nortel switch to at least GSM15 software. Notably, Dobson already has notified the Commission that it has completed testing with regard to its own system.⁸

Release and General Availability to Carriers of Network Software
- As was earlier reported to the Commission by NOW, the necessary upgrade to the required GSM15 software is available from Nortel but would cost NOW in excess of \$1,000,000 to install. In view of the pending sale of the system to another licensed carrier who does not require

⁷ See Dobson Cellular Systems, Inc. Final Implementation Report - TTY/Digital Deployment Status in CC Docket No. 94-102, filed October 31, 2002.

⁸ *Id.*

and would not use the NOW switch, even if it was upgraded, NOW is seeking further temporary relief from the compliance deadline in order to avoid what would prove to be a wasteful expenditure.

Availability to Carriers of Full Acceptance Test Units - Due to the state of NOW's implementation, NOW is not in a position at this time to test TTY handsets. However, Dobson has reported to the Commission that it has tested the available TTY-compatible handsets and found them to be acceptable.⁹

Carrier Coordination of Testing with PSAP - NOW has contracted with Intrado to handle PSAP coordination on behalf of NOW. PSAPs are being advised of, and being asked to consent to an extended implementation schedule that conforms to, the Dobson transaction timetable. Notably, Dobson previously has reported to the Commission the successful conduct of TTY field testing with PSAPs in its other markets.¹⁰

Carrier Testing Activities, Including Field Testing and Consumer End-to-End Testing - Carrier testing, field testing and consumer end-to-end testing by NOW must await the upgrade of the switch to at least GSM15 software which, for the reasons previously cited, has not yet occurred. Dobson has reported to the Commission that consumer end-to-end tests have been successfully completed utilizing their relationships developed during Phase I E911 implementation.

Retail Availability of Necessary Consumer Equipment - See Handset Development and Testing Plans, above.

Geographic Scope of Network Development - NOW's Nortel switch serves the entire NOW license area and the switch upgrade, when

⁹ *Id.*, at p. 2.

¹⁰ *Id.*

accomplished, will achieve TTY compatibility throughout the geographic scope of the system. To the extent that NOW utilizes Airnet radio equipment at cell sites, that equipment already is outfitted with the requisite TTY functionality, although certain software upgrades, which are readily available and relatively easy to implement, may be required. So, were NOW to do the implementation, it would apply throughout the system and license area. Dobson's TTY implementation likewise is system and geographic market wide.

Kindly refer any questions in connection with the foregoing to the undersigned, or to our regulatory counsel Christine Crowe at (202) 508-9562.

Very truly yours,



Christopher Hahn
Network Operations Manager
NOW Licenses, LLC

cc: Stanley Wiggins

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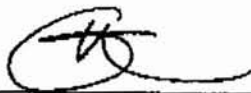
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Declaration of Christopher Hahn

I, Christopher Hahn, do hereby declare under penalty of perjury that:

1. I am the Network Operations Manager of NOW Licenses, LLC ("NOW").
2. I have read NOW's foregoing "TTY Implementation Report."
3. I have personal knowledge of the facts set forth therein.
4. Except with respect to those facts of which judicial notice may be taken, those facts are true and correct to the best of my knowledge, information, and belief.

Executed this 19th day of March, 2004



Christopher Hahn

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